IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

CONTEMPT PETITION NO.13 OF 2006

IN

NOTICE OF MOTION NO.3211 OF 2000

IN

SUIT NO.4075 OF 2000

...

Mrs.Jain Louis Fernandes ...Petitioner

v/s.

Mohammed Raza & ors. ..Respondents

...

Mr.Manish Mistry for the Petitioner.

CORAM: D.K.DESHMUKH, J.

DATED: 12TH FEBRUARY,2007

P.C.:

1. According to the Petitioner the Respondents have

violated interim order made by this court dated 14-11-2000. By that order interim injunction in terms of prayer clause (b) of the Notice of Motion was granted. According to the Petitioner in violation of the interim injunction order passed by the court the Respondents Nos. 1 & 2 on 13-1-2005 disturbed the possession of the Petitioner of the suit shop.

2. Perusal of prayer clause (b) in which terms interim injunction was granted shows that by that order the Defendants were restrained from parting with possession and inducting anyone else in the suit premises. This presupposes that when the order was made on 14-11-2000 it was the Respondents who were in possession of the shop. If the Respondents were in possession of the shop, there is no question of Respondents Nos. 1 & 2 disturbing possession of the Petitioner of the suit shop.

3. The allegations made in the petition thus do not make out the case of the Defendants violating the interim order passed by the court. Petition disposed of.

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